

THE STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE



ANNUAL REPORT

2006

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State of New Hampshire Judicial Conduct Committee Annual Report 2006

Committee Status

As of July 1, 2006 there was a significant change in the membership of the Committee. Long term chair Douglas Hatfield reached retirement age as a District Court Judge and his term on the Committee was not renewed. That position was filled by Salem District Court Judge John Korbey. Elizabeth Lown of Amherst and Attorney Alfred Catalfo III of Dover were not reappointed.

Attorney Wilfred Sanders was reappointed as the Bar Association representative to the Committee. Judge Raymond Cloutier was reappointed as the Probate Court representative.

Upon the retirement of Douglas Hatfield, Robert O. Wilson was elected by the Committee as its new Chair. Wilfred Sanders was elected as Vice Chair.

Anthony McManus was reappointed to serve as Executive Secretary.

During the year the New Hampshire Supreme Court adopted a Rule change that created a permanent Alternate Panel, members to serve three-year terms, to deal with any conflict situations involving regular Committee members. Previously these matters had been handled by appointment of an ad hoc panel at the request of the Executive Secretary.

During the course of the year the Committee docketed 92 grievances. This was substantially above the 2005 total of 66, but only slightly higher than the numbers in previous years.

Six docketed grievances remained pending at the end of the year.

Supreme Court

There was one grievance docketed involving three judges.

Superior Court

There were 57 total grievances filed. Thirty-five of that number involved 16 judges; 21 related to 12 marital masters; one grievance involved a court monitor.

District Court

There were 29 grievances filed: 28 involved 19 judges; one was against a clerk of court.

Family Court

Three grievances were docketed against judges.

Probate Court

There were seven grievances filed. Five involved four individual judges. Two were against the register of probate/probate staff.

(Note: the total number grievances are higher than the number of docketed cases because a single grievance may have named more than one individual.)

Disposition

All matters that were outstanding at the start of the year were resolved. As noted, there were six grievances still open at the end of 2006.

Two separate grievances filed against a Superior Court Judge.

These matters were reviewed by outside counsel, appointed by the Alternate Panel. The Panel voted to bring formal charges. The matter was resolved by an informal resolution pursuant to Rule 40. The Panel determined that upon a formal hearing there would be sufficient evidence to support a finding of misconduct. The judge agreed not to dispute that conclusion. The Code violation in question was determined to be a violation of Canon 2(A) with regard to an appearance of impropriety.

The decision of the Panel and the discipline were made public. The judge was ordered to submit to appropriate medical review with the results to be made available to the Panel and to voluntarily submit to such medical treatment as determined to be appropriate and be subject to random observations of the judge's courtroom performance for a period of one year.

With regard to the balance of the grievances, seven were referred to the alternate panel because of a conflict situation. That panel completed work on all of the grievances and the results are included in the general totals.

Of the remainder:

One grievance was withdrawn by the Complainant prior to any ruling by the Committee.

One grievance was dismissed when the Complainant failed to respond to a request for additional information.

One grievance was dismissed as being duplicative of another complaint.

Eight grievances were dismissed because after review it was determined that there were insufficient allegations to support a finding of judicial misconduct.

Three grievances were dismissed because the conduct alleged occurred beyond the Committee's two-year statute of limitations.

Thirty-two grievances were dismissed on the basis that they related solely to the rulings of the court.

There were thirty-nine grievances dismissed on a finding of no judicial misconduct.

One judge was asked to appear before the Committee on an informal basis in response to a grievance filed. There were no letters of caution issued during the course of the year.

Executive Secretary